

Testimony of the Civil Justice Clinic, Quinnipiac University School of Law

In support of SB 861

Committee on Veterans' Affairs

March 7, 2019

Dear Members of the Veterans' Affairs Committee:

We submit this testimony in support of SB 861, An Act Concerning the Definition of "Service in Time of War" and State Residency Requirements for Certain Veterans' Services. This bill eliminates the residency requirement for certain benefits and extends eligibility of state-administered benefits to veterans who were not residents of Connecticut before service or not continuous residents of Connecticut for two years. This bill is certainly a step in the right direction, but it represents only a modest change as the statutory language continues to put certain veterans who do not meet the "Wartime Service" requirement at a disadvantage from receiving some benefits. Thus, we recommend incorporating language from HB 5668, which eliminates the wartime service requirement for these benefits, into SB 861.

I. Residency Requirements for Benefit Eligibility

In Connecticut, there are certain residency restrictions placed on several state-administered veterans' benefits.¹ Eligibility requirements vary based on the benefit; however, the residency requirement applies to any state-administered benefit that defines "veteran" by reference to Conn. Gen. Stat. § 27-103(b). The Property Tax Exemption and Admission to Veterans' Home are two important benefits that will be positively affected by enacting SB 861. In the aggregate, the benefits offered to veterans make Connecticut one of the most veteran-friendly states for newly-separated veterans to consider settling down in.

Currently, many veterans come to our state to take advantage of veterans' benefits like the Connecticut Tuition Waiver (educational benefit). The tuition waiver's only requirement for residency is that the veteran must be domiciled in this state when they apply for admission (the waiver does not incorporate the definition of "veteran" under § 27-103(a) or (b)).² Enacting SB 861 would help retain veterans who moved here to take advantage of benefits like the tuition benefit.

¹ See Conn. Gen. Stat. § 27-103(b) ("[V]eteran' means any veteran, as defined in subsection (a) of this section, who is a resident of this state provided, if he or she was not a resident or resident alien of this state at the time of enlistment or induction into the armed forces, he or she shall have resided continuously in this state for at least two years.")

² Conn. Gen. Stat. § 10a-77(d) (providing that "domiciled in this state" includes domicile for less than one year")

A. Property Tax Exemptions of Property of Veterans

Current law authorizes a tax exemption for “veterans” who have been residents in the state for two years, per the language set forth in § 27-103(b).³ The existing statute disadvantages newly-separated veterans who choose to become citizens of Connecticut after the end of their service.⁴ This bill will rightfully correct that disparity by removing the residency requirement in § 27-103(a) and (b).

With the possibility of new taxes on the horizon, it is more important than ever to consider the repercussions of imposing unequal tax liabilities on veterans who were not Connecticut residents before their service or haven’t continuously resided in the state for two years. We support this bill because it will create uniformity for all of Connecticut’s veterans, notwithstanding their continuous residence in our state.

B. Admission to Veterans’ Home at Rocky Hill, CT

The Veterans’ Home has a 50-bed substance abuse program designed to rehabilitate veterans, as well as a 400-bed Residential Program for homeless veterans. The current statute incorporates eligibility for this benefit through the definition of “veteran” in the statutes.⁵ This means that only veterans who meet the residency requirement (pre-service residency or two or more continuous years) qualify for the benefit.⁶ SB 861 will increase the ability for sick and homeless veterans to get the inpatient care they need regardless of the time they have been in the state. It is against public policy and the mission of the VA to turn a blind eye to homeless veterans who would otherwise qualify for relief, simply because they haven’t been here long enough.

II. Proposed Changes to SB 861

This Committee should consider amending SB 861 to incorporate the goals of HB 5668, An Act Expanding Veterans Benefits. HB 5668 proposes that the general statutes be amended to remove any qualifying “service in time of war” requirement in order to be eligible to receive state veterans’ benefits.⁷

The “service in time of war” requirement treats non-combat veterans differently based on the arbitrary dates defining “periods of war.” Veterans serving in non-combat operations after the “Vietnam Era” but before the “Persian Gulf Era,” are unfairly disadvantaged by this requirement. Their successors who served during the defined “Persian Gulf Era” substantially served in the same capacity and had similar responsibilities, but have additional benefits conferred upon them by virtue of their service dates.

³ Conn. Gen. Stat. § 12-81(19).

⁴ Conn. Gen. Stat. § 27-103(b) (providing that veterans who were not previously residents of Connecticut must “continuously reside” in the state for two years in order to be eligible for the tax deductions).

⁵ Conn. Gen. Stat. § 27-108(a).

⁶ Conn. Gen. Stat. § 27-103(a) & (b).

⁷ *Id.*

We thank the Committee for their consideration.

Respectfully Submitted,
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